

## **REMARKS**

The following are applicant's response to issues raised in the Office Communication.

### **Application Status:**

It is assumed that the present application is currently pending in the U.S. patent office.

### **Document Request:**

The office communication requests that a clean and marked up substitute specification be submitted. Accordingly, these are enclosed.

It is unclear whether the office has received the rest of the amendment and request for information. In the interest of completeness, the previously submitted amendment, response and request for information are included with this mailing.

Respectfully submitted,



Mark P. Bourgeois  
Reg. No. 37,782

**In the Specification:**

Please delete the present specification and insert the new specification that is enclosed on the substitute specification.

**REMARKS**

The following are applicant's response to issues raised in the Office Action.

**Power of Attorney:**

A power of attorney is enclosed.

**Specification Objections:**

The specification was objected to because a less than complete description of the plant was presented. Accordingly, the specification has been amended along the lines of the examiner's suggestions to more clearly and completely describe the plant. Its is respectfully requested that the specification objections be withdrawn.

**Rejection under 35 U.S.C. 112:**

The claim was rejected under 35 USC 112 as not being supported by a clear botanical description. Accordingly, the botanical description has been amended to more clearly describe the plant. Its is respectfully requested that the 112 rejection be withdrawn.

The claimed plant is now believed to be in condition for allowance.

**Request for information under 37 CFR 1.105:**

In response to the request for information under 37 CFR 1.105, applicants submit the enclosed documents providing the following requested information:

- A. CPVO Grant for 'Plangen'
- B. CPVO Application for 'Plangen'
- C. CPVO Proposed Denomination for 'Plangen'
- D. Czech Republic Grant for 'Piccolo'

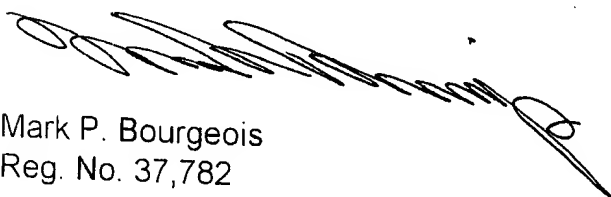
The first sale date of 'Piccolo' was in the Czech Republic in November of 1995.

'Pink Poppet' is the same plant as 'Piccolo' which also is the same plant as 'Plangen'.

**Conclusion:**

A version of the substitute specification is attached showing the changes that were made.

Respectfully submitted,



Mark P. Bourgeois  
Reg. No. 37,782



## WEIGELA PLANT NAMED 'PINK POPPET'

Botanical Classification: *Weigela florida*

Variety Denomination: 'Pink Poppet'

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### BACKGROUND OF THE INVENTION

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The present invention relates to a new and distinct cultivar that is a low growing deciduous shrub with a compact habit. The new cultivar is known botanically as a *Weigela florida* and will be referred to hereinafter by the cultivar name 'Pink Poppet'.

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'Pink Poppet' is part of a breeding program and was bred by the inventors at the Research Institute of Ornamental Gardening Pruhonice, Czech Republic. The Research Institute is a non-profit organization. The goal of the breeding program is to produce a series of dwarf and compact shrubs that exhibit various flower colors and are usable out of doors. At the Research Institute, crossing the seed parent *Weigela florida* 'Venusta' (not patented) with the pollen parent *Weigela hybrida florida* 'Eva Rathke' (not patented). Four seedlings of F1 generation were produced by this interspecific hybridization. Harvested seeds of the F2 generation were planted in 1984 and a total of 189 seedlings were produced. ~~The F2 generation was cultivated for seven years. The seven generations of vegetative propagation were conducted to ensure uniformity and stability.~~ 'Pink Poppet' was selected in ~~1991~~ 1984 as a single plant ~~from the progeny~~ based on habit, hardiness, flower color, abundance of flowers and number of flushes. The traits that make 'Pink Poppet' unique are dwarf growth habit and density, light pink flowers, early flowering, winter hardiness and its strong competition in controlling weed growth. The closest comparison plants are the parents. 'Pink Poppet' is distinguishable from both parent plants by its compact size, smaller leaf, shorter internodes, smaller stems and flower color.

Comparison to the parent plants:

	<u>'Pink Poppet'</u>	<u>'Venusta'</u>	<u>'Eva Rathke'</u>
Plant height:	0.6 m	1.8 m	2.0 m
Plant width:	1.0 m	1.3 m	1.5 m
Leaf length:	78.2 mm		95.8 mm
Leaf width:	31.5 mm		51.8 mm
Internode length:	35.8 mm		65.1 mm
Stem size:	3.4 mm		3.7 mm
Flower color:	pink	pink	reddish purple

In ~~1991~~ 1984 'Pink Poppet' was first asexually propagated by the inventors at the Research Institute of Ornamental Gardening Pruhonice, Czech Republic using the method of softwood cuttings. Since that time, under careful observation, the distinguishing characteristics have been determined stable and uniform in successive generations.

### SUMMARY OF THE INVENTION

The following represent the distinguishing characteristics of the new *Weigela* cultivar 'Pink Poppet'. In combination these traits set 'Pink Poppet' apart from all other existing varieties of *Weigela* known to the inventors. 'Pink Poppet' has not been tested under all possible conditions and phenotypic differences may be observed with variations in environmental, climatic, and cultural conditions, however, without any variance in genotype.

1. *Weigela* 'Pink Poppet' exhibits two flushes of light pink flowers in spring.
2. *Weigela* 'Pink Poppet' exhibits a compact dwarf growth habit.
3. *Weigela* 'Pink Poppet' is hardy to USDA Zone 5.
4. *Weigela* 'Pink Poppet' is 0.6 meter in height and 1 meter in width at maturity.
5. *Weigela* 'Pink Poppet' is strongly competitive in controlling growth of weeds.

## BRIEF DESCRIPTION OF THE DRAWINGS

The accompanying color photographs illustrate the distinguishing traits of *Weigela* 'Pink Poppet'. The plants in the photographs were grown out of doors at the Research Institute in Pruhonice, Czech Republic. The photograph on sheet 1 illustrates the entire plant in bloom from a side perspective. The photograph on sheet 2 is a close-up view of the flowers. The photographs were taken using conventional techniques and although colors may appear different from actual colors due to light reflectance, they are as accurate as possible by conventional photography.

## BOTANICAL DESCRIPTION OF THE PLANT

The following is a detailed description of the *Weigela* cultivar named 'Pink Poppet'. Data was collected in Arroyo Grande, California. Color determinations are in accordance with the Royal Horticultural Society Colour Chart except where general color terms of ordinary dictionary significance are used. The growing requirements are similar to the species and there are no disease problems known to the inventors.

Botanical classification: *Weigela* 'Pink Poppet'.

Use: Ornamental landscape shrub that offers strong competition in controlling the growth of weeds.

Parentage: 'Pink Poppet' is a hybrid that resulted from the induced hybridization of the following plants:

Female: *Weigela florida* 'Venusta' (not patented).

Male: *Weigela ~~hybrida~~ florida* 'Eva Rathke' (not patented).

Vigor: Weak.

Growth habit: Erect to prostrate and spreading.

Size: Dwarf.

Height: 0.6 meter in height.

	Width: 1 meter in width.	
	Hardiness: USDA Zone 5.	
	Propagation: Softwood cuttings.	
	Root system: Fibrous.	
5	-Light: Plant in full sun or dappled shade.	
	Soil: Plant in moist but well drained soil.	
	Type: <u>Deciduous</u> Shrub.	
	Seasonal interest: Two flushes of flowers in spring.	
	Stem:	
10	Branching habit: Upright branching.	
	Stem diameter: 3.4 mm. in diameter.	
	<u>Stem Color: 200C.</u>	
	Internode length: 35.8 mm. between nodes.	
	Shape: Tetrahedral.	
15	Surface: Pubescent.	
	Branch color: <del>Light brown</del> <u>200C.</u>	
	Foliage:	
	Type: Deciduous.	
	Leaf arrangement: Opposite.	
20	Leaf division: Simple.	
	Leaf margin: Serrate.	
	Leaf surface (adaxial and abaxial): Pubescent.	
	Leaf shape: Elliptic to obovate.	
	Leaf apex: Caudate.	
25	Leaf attachment: Petiolate.	
	Stipules: Absent.	
	Petiole dimensions: 5 mm. in length and 1 mm. in width.	
	<u>Petiole color: 147B.</u>	
	Leaf length: 78.2 mm. in length.	
30	Leaf width: 31.5 mm. in width.	

	Leaf color (adaxial surface): 147A.
	Leaf color (abaxial surface): 147A.
	<u>Leaf midrib color: 147C.</u>
	<u>Leaf vein color: 147C.</u>
5	Flower:
	Inflorescence: Axillary corymb.
	Flower form: Solitary.
	Shape of flower: Funnelform.
10	Dimensions of flower: 33 mm. in height and 29.5 mm. in diameter.
	Aspect: Facing outward and upward.
	Color of flower petal (outside): <u>70B,C with streaks of 70B.</u>
	Color of flower petal (inside): 75C.
	Corolla surface (outer): Puberulent.
15	Petals: Five in number.
	Petal surface: Puberulent.
	Unfused or fused: Petals are basally fused.
	Bud color: 71B,C.
	Lobes: Five imbricate lobes when in bud.
20	Number of sepals in calyx: Five sepals in the calyx.
	Length of sepals: 8.1 mm. in length.
	<u>Sepal color: 70A.</u>
	Blooming period: May to June.
	<u>Bloom duration: 4 weeks.</u>
25	<u>Flowers are self cleaning.</u>
	<u>Scent: None.</u>
	Reproduction organs:
	Stamens: Five in number.
	<u>Stamen Length: 2.5 cm</u>
30	Color of filaments: <del>Green-white</del> <u>158A.</u>



Anther color: 159A. Cream-white.

Dimensions of anther: .25 mm. in width and 3 mm. in length.

Pollen color: 159A.

Amount of pollen: moderate.

5 Pistil: One in number.

Pistil color: 155C.

Dimensions of pistil: 3 cm. in length.

Stigma color: 158A.

Dimensions of stigma: 1 mm. in height and 3 mm. in width.

10 Style color: 155C.

Style dimensions: 1 mm. in length and less than 1 mm. in diameter, exerted.

Ovary color: 61B.

Ovary dimensions: 1 mm. in diameter and 1 mm. in height.

Ovary shape: Globose.

15 Stigma color: White.

Style color: Green-white.

Style: Exerted.

Seed:

Seed production has not been observed.

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# CLAIM

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A new and distinct variety of *Weigela* plant named 'Pink Poppet' as described and illustrated.

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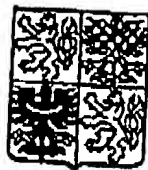
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## ABSTRACT

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A new cultivar of *Weigela* named 'Pink Poppet' that is characterized by a compact dwarf habit, winter hardiness and light pink flowers that bloom in early spring. In combination these traits set 'Pink Poppet' apart from all other existing varieties of *Weigela*.

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Ministerstvo zemědělství České republiky

# Šlechtitelské osvědčení

číslo

679

Ministerstvo zemědělství vydává podle zákona č. 132/1989 Sb. »o ochraně práv k novým odrůdám rostlin a plemenům zvířat« šlechtitelské osvědčení na:

odrůdu vajgécie

Název:

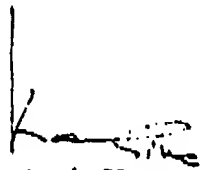
Piccolo

Majitel šlechtitelského osvědčení:

Výzkumný ústav okrasného zahradnictví  
252 43 Průhonice

Datum: 31. května 1996

Za Ministerstvo zemědělství:

  
Ing. Antonín Kalina  
náměstek ministra

**Doba platnosti šlechtitelského osvědčení:**

**od (datum podání přihlášky):**

**2. listopadu 1995**

**do:**

**1. listopadu 2020**

**Původce(i):**

**Jméno:**

**Adresa:**

**Podíl:**

**Ing. Vojtěch Benetka, CSc.**

**Praha Chodov 1398**

**60 %**

**Jaroslava Dvořáková**

**Čestlice 6**

**40 %**

P<sub>1</sub> - *Weigela florida* (Bg.) A.DC., cv. 'Venusta'

Crossing was made on plant that is in Botanic garden in Průhonice. This plant was intr. from BG Kew 1924

**P<sub>2</sub>** - *Weigela* cv. 'Eva Rathke' (orig. Rathke, Danzig 1900)  
intr. Průhonice 1935

Note: (cf. Krüssmann 1962; Rehder 1940)

**P**      **Weigela florida cv. Venusta**    x    **Weigela cv. Eva Rathke**

**F<sub>1</sub>** seedlings  $\longrightarrow$  three plants

open pollination

F<sub>2</sub> seedlings → selection one plant = RIOG 2/26 = 'Piccolo'

Ústřední kontrolní a zkušební ústav zemědělský v Brně  
- odbor odrůdového zkušebnictví -

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Hlavní odrůdová zkušebna Dobřichovice

# O S V Ě D Ě N Í

O VÝSLEDKU

STÁTNÍCH ODRŮDOVÝCH ZKOUŠEK

*W e i g e l i a h y b r i d a h o r t .*

weigeliie (zanice)

P I C C O L O

Přihlašovatel odrůdy: V ý z k u m n ý ú s t a v o k r a s n ě h o  
z a h r a d n i c t v í  
P r ů h o n i c e

## OSVĚDČENÍ

o výsledku Státních odrůdových zkoušek

*Weigela hybrida hort.*

weigeliie (zanice)

### PICCOLO

Přihlašovatel : Výzkumný ústav okrasného  
zahradnictví  
Průhonice

Odrůda Piccolo ve Státních odrůdových zkouškách vyhověla požadavkům  
na odlišnost, homogenitu a stálost a proto navrhuje, aby byla

*p o v o l e n a*



V Dobrušovicích 5.1.1996

Referent: Eva Matysová



ZPRÁVA O ZKOUŠENÍ ODLIŠNOSTI, HOMOGENITY A STÁLOSTI ODRŮDY

ZÁVĚREČNÁ

1. Zkoušení bylo provedeno pro účely:

a) ochrany práv ☐

b) povolení ☒

2. Číslo přihlášky k ochraně práv

POO

3. Druh - botanický název (latinsky)

Weigela hybrida hort.

4. Druh - botanický název (česky)

weigeliie (zanice)

5. Pracovní označení odrůdy

VŠÚOZ - 2/26

6. Návrh názvu odrůdy / název odrůdy

Piccolo

7. Místo a doba šlechtění

Průhonice 1981 - 1987

8. Výchozí materiál

Weigela venusta Bailey  
var. florida x Eva Rathke

9. Použité metody šlechtění

křížení

10. Typ odrůdy podle genetické struktury klon

11. Datum přihlášení / přijetí

a) k ochraně práv

b) do Státních odrůdových zkoušek

18.12.1989

12. Přihlašovatel

a) k ochraně práv

(jméno / název a adresa)

b) do Státních odrůdových zkoušek  
(jméno / název a adresa)

Výzkumný ústav okrasného  
zahradnictví  
252 43 Průhonice

13. Zástupce přihlašovatele

(jméno / název a adresa)

14. Šlechtitel

(jméno / název a adresa)

Ing. Vojtěch Benetka 50%  
140 00 Praha Chodov 1398  
Jaroslava Dvořáková 20%  
252 70 Čestlice

15. Zkušební instituce, zkušební stanice ÚKZÚZ 002 Brno  
ZS Židovice, Hradec n/Sv.  
Rožnov p/R.  
1990 - 1995

16. Doba zkoušení

1990 - 1995

17. Datum a místo vyhotovení zprávy

5.1.1996

## 18. VÝSLEDKY ZKOUŠENÍ

### a) odlišnosti

Odrůda

☒ [ X ] je zřetelně odlišitelná od známých odrůd

☐ [ ] není zřetelně odlišitelná od následujících odrůd:

### b) homogenity

Odrůda

☒ [ X ] je přiměřeně homogenní

☐ [ ] není přiměřeně homogenní

Místo a rok	Počet odchylek	Popis odchylek
Židovice	0	
Hradec n/S.	0	
Rožnov p/R.	0	

### c) stálosti

Odrůda

☒ [ X ] je stálá

☐ [ ] není stálá v těchto znacích a vlastnostech:

19. ZÁVĚREČNÝ POSUDEK

Odrůda požadavkům na odlišnost, homogenitu a stálost:

vyhovuje [ X ]

nevyhovuje [ ]

20. PŘÍLOHY

Popis odrůdy

21. PODPISY

Zprávu vyhotovila: Eva Matysová



*Matysová*

ÚSTŘEDNÍ KONTROLNÍ A ZKUŠEBNÍ ÚSTAV ZEMĚDĚLSKÝ V BRNĚ  
Odbor odrůdového zkušebnictví

Příloha ke zprávě o zkoušení ze dne 5.1.1996

## POPIS ODRŮDY

1. Číslo přihlášky k ochraně práv	POO
2. Druh - botanický název (latinsky)	Weigela hybrida hort.
3. Druh - botanický název (česky)	weigeliie (zanice)
4. Pracovní označení	VŠÚOZ - 2/26
5. Návrh názvu odrůdy / název odrůdy	Piccolo
6. Přihlašovatel (jméno / název a adresa)	Výzkumný ústav okrasného zahradnictví 252 43 Průhonice
7. Zkušební instituce: zkušební stanice	ÚKZÚZ OOZ Brno ZS Židovice, Hradec n/S. Rožnov p/R.
8. Doba zkoušení (rok zahájení a ukončení zkoušek) 1990 - 1995	
9. Datum a místo vyhotovení popisu	5.6.1995 Průhonice
10. Skupina: znaky použité pro tvorbu skupin jsou v popisu (11.) označeny písmenem G před číslem znaku	
11. Znaky odrůdy podle klasifikátoru zkušebních směrnic: TG 148/2	

Číslo znaku UPOV	Znak	Stupeň projevu	Známka	Poznámky
1.	Ploidita	tetraploid	4	
2.	Rostlina: vzrůstnost	slabá	3	
• 3.	Rostlina: habitus	vzpřímený až rozprostřený	4	
4.	Jednoletý výhon: barva (v zimě)	světle hnědá	2	

Druh Název odrůdy		Weigela hybrida Piccolo		
Číslo znaku UPOV	Znak	Stupeň projevu	Známka	Poznámky
• 5.	Listová čepel: tvar	opakvejčitý	3	
• 6.	Listová čepel: šířka	střední	5	
• 7.	Listová čepel: okraj listu - zoubkování	jemné	3	
8.	Listová čepel: zvlnění okraje	není nebo velmi slabé	1	
• 9.	Listová čepel: barva (v létě) zelená		2	
• 10.	Listová čepel: intenzita barvy	tmavá	7	
• 11.	Listová čepel: vícebarevnost	není	1	
13.	Listová čepel: lesk	slabý	3	
• 14.	Listová čepel: plstnatost na spodní straně	slabá	3	
15.	Květenství: typ	jednoduchá lata	2	
• 16.	Květ: počet barev	jednobarevný	1	
• 17.	Květ: základní barevný odstín (vnitřní strana)	růžová	3	
• 19.	Květ: velikost	malá až střední	4	
• 20.	Květ: tvar	zvonkovitý	1	
21.	Kališní lístek: plstnatost	slabá	3	
22.	Kališní lístek: barva	červená	2	
23.	Koruna: tvar vrcholu laloku	zaoblený	2	
24.	Semeník: plstnatost	slabá	3	
• 25.	Pestík: délka v porovnání k délce koruny (trubky)	delší	2	
• 26.	Kvetení: doba	velmi raná	1	
• 27.	Délka květení	střední	5	
• 28.	Druhé kvetení (na podzim)	není	1	

Druh                      Weigela hybrida  
Odrůda                    Piccolo

12. Podobné odrůdy a odlišnosti od těchto odrůd:

Název podobné odrůdy	Znak, ve kterém se podobná odrůda odlišuje	Stupeň projevu znaku podobné odrůdy	Stupeň projevu znaku zkoušené odrůdy
Minuet	9. Listová čepel barva (v létě)	3 červenavá	9 zelená
	25. Pestík, délka v porovnání k délce koruny (trubky)	1 stejná	2 delší

13. Další informace:

- a) Další údaje Barva květu na vnitřní straně je světlejší karmínově růžová, vnější strana je tmavší (matovější). U odrůdy Minuet je barva na vnější straně tmavě karmínově růžová  
HCC vnitřní strana 7/630/2 slézově purpurová, vnější strana 7/030/2 magnoliově purpurová  
RHS cca 73 B modrorůžová, vnější strana 70 C modrorůžová

b) Poznámky

Popis vyhotovil: ing. Jiří Souček a Eva Matysová



European Union  
Community Plant Variety Office

**APPLICATION FOR COMMUNITY PLANT VARIETY RIGHT  
TO THE COMMUNITY PLANT VARIETY OFFICE**

For use of National Agency only, if necessary

Via National Agency: .....  
File No: .....

For Office's use only

Date of application: .....  
Priority date: .....  
File number of application : .....

To be filled in by the applicant

Botanical Taxon ...WEIGELA.....  
Provisional designation : ...PLANGEN.....

Office use

**1. Applicant(s) Name(s)** *(if natural person please indicate christian name first):*

--Joint Applicants – R. van Rijssen and P M Dealtrey-----

Telephone :

Fax :

E-mail (if existing):

- ☐
- If a natural person, indicate the nationality and address :

--N/A-----

- ☐
- If a legal person (eg. a firm or company), indicate the address of its seat or establishment :
- Joint Owners:**

-R Van Rijssen of Plantipp-----P M Dealtrey of Genesis-----

-Molengraaf 4-----9 Portland Street, King's Lynn-----

-4133 CM Vianen NL, Holland-----Norfolk, PE30 1PB, England-----

Indicate the name and address of the natural person, being an employee of the legal person, who is duly authorised to represent the legal person (eg. a director of a company or a partner of a firm):

P M Dealtrey -- Genesis-----

Telephone : +44 1553 776343

Fax : +44 1553 772804

E-mail (if existing): [genco@dial.pipex.com](mailto:genco@dial.pipex.com)

- 2. If a procedural representative has been designated, please indicate his name and address and file the relevant signed credentials (see instructions):**  
*(For applicants not having a domicile, seat or establishment within the territory of the European Union, a procedural representative with a domicile, seat or establishment therein is obligatory)*

P M Dealtrey - as above-----

Telephone :

Fax :

E-mail (if existing):

- 3. Address to which correspondence**
- is to be sent if different from 1 or 2.



4. **Botanical taxon:** Latin name of the genus, species or subspecies to which the variety belongs and the common name:

.....WEIGELA..... WEIGELA.....

5. a) **Where appropriate, your proposal for the variety denomination** (*please also fill in the form "Proposal for variety denomination"*):

--- -PLANGEN-----See Australian Application-----

- b) **In any case, the provisional designation (breeder's reference) for the variety** (in BLOCK LETTERS):

---PINK POPPET/RIOG) 2/26/PICCOLO-----  
V2V02)

6. The original breeder(s) is(are) ☐ the applicant(s)  
☒ the following person(s)

Name(s) and address(es) if different from applicant:

---Ing Vojtech Benetka-----

---c/o Research Institute for Ornamental Gardening-----

---Pruhonice, Czech-----

Telephone : Fax :

E-mail if existing:

If the original breeder(s) is(are) not the applicant(s), how was the variety transferred to the applicant (s):

- ☐ Contract  
☐ Succession  
☒ Other (specify)

Please provide relevant documentary evidence in original or officially certified form.

Outright purchasers of variety per the contracts  
as attached – purchase made jointly by Plantipp/Genesis

Provisional designation of the variety.....PLANGEN.....

File-number: /

Office use

**7. Details of all other applications** made in a Member State of the EU or in a Member of the International Union for the Protection of New Varieties of Plants (UPOV):

	Filing State/date	Authority	Application Number	Stage	Variety denomination Or breeder's reference
Plant Variety Rights :	Australia 29/1 1998	Australia PBR Office	98/014	G	Plangen
Official Variety List :	Czech 5-1-1996	UK ZUZ BRNO	132/1989 679	G	Piccolo
Patent :	USA 1998	Patent Office	To follow	In Process	Pink Poppet™

( If necessary, continue on a separate sheet )

**8. Priority is now claimed** in respect of the earliest application for a property right filed in (country) ...N/A.....  
on (date of application) .....

**9. a) Has the variety been sold or otherwise exploited?**

- Within the territory of the European Union ☒ Yes ☐ No

If yes, please indicate the date and country of the first disposal of the variety and the denomination used

20/8/1999 ...UK (plugs).. PINK POPPET™ (PLANGEN)  
(date) (country) (denomination)

- Outside the territory of the European Union ☒ Yes ☐ No

If yes, please indicate the date and country of the first disposal of the variety and the denomination used

10/12/1998 ...Australia... <sup>motherplank</sup> + Plugs .....Pink Poppet (PLANGEN)..  
(date) (country) (denomination)

**b) Is the variety repeatedly used in the production of one or more hybrid varieties?**

☐ Yes ☒ No

if yes, please indicate for each hybrid the same information as requested in a)

.....  
(date) (country) (denomination)

.....  
(date) (country) (denomination)

*Public use / day  
10.12.1998*

	Office use
<p>10. A <b>technical examination</b> for official purposes</p> <p><input type="checkbox"/> has already been carried out in (country)...Australia.....</p> <p><input type="checkbox"/> is in the process of being carried out in (country).....</p> <p><input type="checkbox"/> has not yet been carried out</p> <p>If the candidate variety is a parental line of a hybrid variety and is being (has been) examined in connection with the examination of the hybrid variety please indicate the denomination of the hybrid variety and the country in which the examination is being (has been) carried out:</p> <p style="text-align: center;">N/A</p>	
<p>11. Is the candidate variety a <b>Genetically Modified Organism</b> within the meaning of Article 2 (2) of the Council Directive EEC 90/220 ?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>12. In the event of the grant of a Community plant variety right, the certificate will be issued in the language in which the application was filed, <b>unless</b> an indication is given below of the desire to have the certificate issued instead in the following official language of the EU:</p> <p style="text-align: center;">ENGLISH</p>	
<p>13. <b>Application Fee:</b> Has the payment of the Application Fee already been arranged?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please fill out and attach the form "details of payment".</p>	
<p>14. The following <b>forms or documents</b> are attached to this application:</p> <p>Please tick the relevant boxes</p> <p><input checked="" type="checkbox"/> 1 Technical questionnaire (original + one copy)</p> <p><input type="checkbox"/> 2 Technical questionnaire, confidential part (original + one copy)</p> <p><input checked="" type="checkbox"/> 3 Form of designation of a procedural representative</p> <p><input checked="" type="checkbox"/> 4 Proposal for a variety denomination (original + one copy)</p> <p><input checked="" type="checkbox"/> 5 Documentary evidence of entitlement to file an application</p> <p><input type="checkbox"/> 6 Priority claim (certified copy of the first application)</p> <p><input checked="" type="checkbox"/> 7 Form "Details of payment"</p> <p><input checked="" type="checkbox"/> 8 Photographs (in case of fruit and ornamental varieties)</p> <p><input type="checkbox"/> 9 Copy of the relevant written release consent (for GMOs)</p> <p><input checked="" type="checkbox"/> 10 Others: please specify</p> <p>(5) Copy of purchase contracts duly certified by UK Lawyer. Draft does for</p>	

Office use

## 15. DECLARATIONS

- ⇒ - I (We) hereby apply for the grant of a Community plant variety right.
  
- ⇒ - Authorisation is hereby given to the Community Plant Variety Office to exchange with the Examination Offices and other competent authorities all necessary information and material related to the variety provided that the rights of the applicant are safeguarded.
  
- ⇒ - I (We) hereby declare that, to the best of my (our) knowledge, the information necessary for the examination of the application, given in this form and the annexes, is complete and correct.
  
- I (We) hereby declare that no person other than the person or persons mentioned in this application has been involved in the breeding, or discovery and development, of the variety.

Place: .....

Date: .....

Signature :

**SEE INSTRUCTIONS**



European Union

Community Plant Variety Office

Date of receipt  
(for Office use only)

PROPOSAL FOR A VARIETY DENOMINATION

1. Applicant: name and address:

PLANGEN

2. Provisional designation of the variety (breeder's reference):

PINK POPPET/RIOZ 2/26/Piccolo Name changed from Piccolo due to trade mark threat ex TANTAU Germany  
UKZOZ

3. Botanical taxon: Latin name of the genus, species or sub-species to which the variety belongs and common name:

WEIGELA

4. File no., if already known:

N/A

5. Proposal for a variety denomination:

PLANGEN

(Please, propose only one and use capital letters)

6. If any, the preceding proposal for a variety denomination made to the Office:

N/A

7. Denominations proposed for entry or entered in an official register in a Member State of the EU or in a Member of UPOV

Filing State	Stage	Denomination (if different from 5 above)
Australia	1998 Applied – Granted May 2000	Plangen Ref 98/014

8. ☐ The proposed denomination has been filed by or registered for the applicant (s) as a trademark in the EU or in a Member of UPOV or with the International Bureau of the World Intellectual Property Organization (W.P.O) in respect of products that are identical or similar within the meaning of trademark law.

State and/ or WIPO	Date of application	Date of registration	Registration number
None – But we had a demand from Roser Tantau not to apply for, or use, Piccolo in EU or they would pursue us under their trade mark grant in Germany/France/Holland.			

I/We hereby declare that, to the best of my/our knowledge, the above information given in this form is complete and correct.